



VERSION WITH MARKINGS TO SHOW CHANGES MADE

9. (Twice Amended) A cup assembly having an open end, comprising:

(a) a dual wall cup assembly comprising: (i) an outer cup[, consisting] made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by a bottom wall and the top is open; (ii) an inner cup[, consisting] made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by a bottom wall; and (iii) the inner cup is configured to be receivable within the outer cup to create a sealed gap between the side walls of an inner surface of the outer cup and an outer surface of the inner cup [and between the bottom walls;]

[ (b) the sealed gap consisting of a gaseous material;]

[(c)] (b) the cup assembly is a child spill-proof cup that has a removably mounting cap thereon, the cap has a spout that projects from [one] a side [thereof] upwardly, the spout is formed integrally with the cap and includes a front and rear walls that converge to an outwardly protruding tip of the spout; and

[(d)] (c) the dual wall assembly provides sufficient insulation ability so that the cup assembly takes at least about 100 minutes to reach 70°F when tested by cup insulation test method .

10. (Twice Amended) A cup assembly having an open end, comprising:

(a) a dual wall cup assembly comprising: (i) an outer cup, [consisting] made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by a bottom wall and the top is open; (ii) an inner cup, [consisting] made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by a bottom wall; and (iii) the inner cup is configured to be receivable within the outer cup to create a

sealed gap between the side walls of an inner surface of the outer cup and an outer surface of the inner cup [and between the bottom walls];

[(b) the sealed gap consisting of a gaseous material;]

[(c)] (b) the cup assembly is a child spill-proof cup that has a removably mounting cap thereon, the cap has a spout that projects from[one] a side [thereof] upwardly, the spout is formed integrally with the cap and includes a front and rear walls that converge to an outwardly protruding tip of the spout; and

112nd [(d)] (c) the dual wall assembly provides sufficient insulation ability so that the cup assembly takes at least about twice the time to reach 70°F compared to a comparable single wall cup , which is made of the same thermoplastic material of the inner cup and substantially the same size and shape of the inner cap, when tested by [the] cup insulation test method.

12. (Twice Amended) A cap assembly having an open end, comprising:

(a) a dual wall cup assembly comprising: (i) an outer cup, [consisting] made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by a bottom wall and the top is open; (ii) an inner cup, [consisting] made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by a bottom wall; and (iii) the inner cup is configured to be receivable within the outer cup to create a sealed gap between the side walls of an inner surface of the outer cup and an outer surface of the inner cup [and between the bottom walls];

[(b) the sealed gap consisting of a gaseous material;]

[(c)] (b) the cup assembly is a child spill-proof cup that has a removably mounting cap thereon, the cap has a spout that projects from[one] a side [thereof] upwardly, the

[(d)] (c) the dual wall assembly provides sufficient insulation ability so that the cup assembly takes at least about twice the time to reach 70°F compared to a comparable single wall cup, which is made of the same thermoplastic material of the inner cup and substantially the same size and shape of the inner cap, when tested by [the] cup insulation test method.

13. (Twice Amended) A cup assembly having an open end, comprising:

[(b) the sealed gap consisting of a gaseous material;]

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to an outwardly protruding tip of the spout; and

[(d)] (c) the dual wall assembly provides sufficient insulation ability so that the cup assembly takes at least about 100 minutes to reach 70°F when tested by cup insulation test method.

103 no 14. (Twice Amended) A cup assembly having an open end, comprising:

(a) a dual wall cup assembly comprising: (i) an outer cup, [consisting] made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by a bottom wall and the top is open; (ii) an inner cup, [consisting] made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by a bottom wall; (iii) the side wall thickness of the inner and outer cups are about 0.03 to about 0.08 inches; and (iv) the inner cup is configured to be receivable within the outer cup to create a sealed gap between the side walls of an inner surface of the outer cup and an outer surface of the inner cup [and between the bottom walls] wherein the sealed gap is about 0.04 to about 0.1 inches;

[(b) the sealed gap consisting of a gaseous material;]

[(c)] (b) the cup assembly is a child spill-proof cup that has a removably mounting cap thereon, the cap has a spout that projects from [one] a side [thereof] upwardly, the spout is formed integrally with the cap and includes a front and rear walls that converge to an outwardly protruding tip of the spout; and

[(d)] (c) the dual wall assembly provides sufficient insulation ability so that the cup assembly takes at least about 100 minutes to reach 70°F when tested by cup insulation test method.

15. (Twice Amended) A cup assembly having an open end, comprising:

(a) a dual wall cup assembly comprising: (i) an outer cup, [consisting] made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by a bottom wall and the top is open; (ii) an inner cup, [consisting] made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by bottom wall; (iii) a curve region at a bottom outside edge of the outer cup having a thickness greater than the wall thickness of the outer cup and a notch in a curve region at a bottom inside edge of the outer cup; and (iv) the inner cup is configured to be receivable within the outer cup to create a sealed gap between the side walls of an inner surface of the outer cup and an outer surface of the inner cup [and between the bottom walls];

[(b) the sealed gap consisting of a gaseous material;]

[(c)] (b) the cup assembly is a child spill-proof cup that has a removably mounting cap thereon, the cap has a spout that projects from [one] a side [thereof] upwardly, the spout is formed integrally with the cap and includes a front and rear walls that converge to an outwardly protruding tip of the spout; and

[(d)] (c) the dual wall assembly provides sufficient insulation ability so that the cup assembly takes at least about 100 minutes to reach 70°F when tested by cup insulation test method.

17. (Twice Amended) A cup assembly having an open end, comprising:

(a) a dual wall cup assembly comprising: (i) an outer cup, [consisting] made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by a bottom wall and the top is open; (ii) an inner cup[, consisting] made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by a bottom wall; (iii) the side wall thickness of the inner and outer cups are about 0.03 to about 0.08 inches

(iv) a curve region at a bottom outside edge of the outer cup having a thickness greater than the wall thickness of the outer cup and a notch in a curve region at a bottom inside edge of the outer cup; and (v) the inner cup is configured to be receivable within the outer cup to create a sealed gap between the side walls of an inner surface of the outer cup and an outer surface of the inner cup [and between the bottom walls] wherein the sealed gap is about 0.04 to about 0.1 inches; and

[(b) the sealed gap consisting of a gaseous material;]

[(c)] (b) the cup assembly is a child spill-proof cup that a removably mounting cap thereon, the cap has a spout that projects from [one] a side [thereof] upwardly, the spout is formed integrally with the cap and includes a front and rear walls that converge to an outwardly protruding tip of the spout; and

[(d)] (c) the dual wall assembly provides sufficient insulation ability so that the cup assembly takes at least about 100 minutes to reach 70°F when tested by cup insulation test method. 112

Please add the following new claims:

- - 100. The <sup>cup</sup>cap assembly of claim 9 wherein the sealed gap consists of an insulation material selected from the group consisting of foam, blowing agents, styrofoam and cardboard.- -

- - 101. The <sup>cup</sup>cap assembly of claim 10 wherein the sealed gap consists of an insulation material selected from the group consisting of foam, blowing agents, styrofoam and cardboard.- -

- - 102. The <sup>cup</sup>cap assembly of claim 12 wherein the sealed gap consists of an insulation material selected from the group consisting of foam, blowing agents,

styrofoam and cardboard.- -

-- 103. The cap assembly of claim 13 wherein the sealed gap consists of an insulation material selected from the group consisting of foam, blowing agents, styrofoam and cardboard.- -

- - 104. The cap assembly of claim 14 wherein the sealed gap consists of an insulation material selected from the group consisting of foam, blowing agents, styrofoam and cardboard.- -

- - 105. The cap assembly of claim 9 wherein air is in the sealed gap. - -

- - 106. The cap assembly of claim 10 wherein air is in the sealed gap. - -

- - 107. The cap assembly of claim 12 wherein air is in the sealed gap. - -

- - 108. The cap assembly of claim 13 wherein air is in the sealed gap. - -

- - 109. The cap assembly of claim 14 wherein air is in the sealed gap. - -